

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:08-CR-595 CAS
)	
WILLIE HATLEY,)	
)	
Defendant.)	

ORDER

This matter is before the Court on various pretrial matters. Pursuant to 28 U.S.C. § 636(b), this Court referred all pretrial matters to United States Magistrate Judge David D. Noce. On April 13, 2009, Judge Noce filed a Report and Recommendation of United States Magistrate Judge which recommended that defendant's Motion to Dismiss the Indictment and/or Motion to Suppress Evidence and Statements be denied.

Defendant was granted leave to file objections to the Magistrate Judge's Report and Recommendation out of time on April 27, 2009. Defendant objected generally to the findings of fact and conclusions of law and the Magistrate Judge's recommendation that the motion be denied. This type of general objection is of little aid to the Court in focusing on any errors which may have been made by the Magistrate Judge.

Defendant's motion seeks dismissal of the indictment with prejudice under Rule 5(a)(1)(A) of the Federal Rules of Criminal Procedure, and is based on the twenty-four day delay between defendant's arrest by state authorities and his transfer to federal custody and initial appearance before a United States Magistrate Judge. The Court has carefully and independently reviewed the full

record, and has listened to the tape of the oral argument held in this matter on April 3, 2009, which supplemented the parties' memoranda.¹ The Court is in agreement with the stated rationale of the Magistrate Judge's recommendation, and will adopt the same.

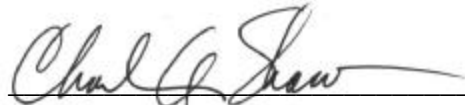
Accordingly, after de novo review,

IT IS HEREBY ORDERED that the objections of defendant Hatley are overruled.

IT IS FURTHER ORDERED that the Report and Recommendation of United States Magistrate Judge is **sustained, adopted and incorporated** herein. [Doc. 22]

IT IS FURTHER ORDERED that defendant's Motion to Dismiss the Indictment and/or Motion to Suppress Evidence and Statements is **DENIED**. [Doc. 19]

IT IS FURTHER ORDERED that defendant's oral motion to suppress and the government's oral motion for determination of admissibility of arguably suppressible evidence are **DENIED as moot**. [Doc. 16, 18]



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 27th day of April, 2009.

¹No evidence was presented at the hearing, as there was no dispute concerning the salient facts, and neither counsel was aware of any form of evidence, statement, or identification obtained from the defendant during the twenty-four day period.